



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

M.S.

PUBLISHED BY AUTHORITY

सं. 21]

नई दिल्ली, सोमवार, जुलाई 30, 2001 / श्रावण 8, 1923

No. 21]

NEW DELHI, MONDAY, JULY 30, 2001 / SRAVANA 8, 1923

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

### LOK SABHA

The following Bills, were introduced on 30.7.2001:—

BILL No. 61 OF 2001

*A Bill further to amend the Food Corporations Act, 1964.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Food Corporations (Amendment) Act, 2001. Short title and commencement.
- (2) It shall be deemed to have come into force on the 22nd day of May, 2001.
2. In section 27 of the Food Corporations Act, 1964 (hereinafter referred to as the principal Act), in sub-section (1), for the proviso, the following proviso shall be substituted, namely:— Amendment of section 27 of Act 37 of 1964.

"Provided that the amount borrowed by a Food Corporation under clause (b) shall not at any time exceed ten times the paid-up capital and the reserve fund established under section 33."

Ord. 4 of 2001.

3. (1) The Food Corporations (Amendment) Ordinance, 2001, is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

### STATEMENT OF OBJECTS AND REASONS

The Food Corporation of India (FCI) was established under section 3 of the Food Corporations Act, 1964. It is an enterprise which solely depends on the Government subsidies.

2. Sub-section (1) of section 27 of the said Act, as it stood before the promulgation of the Food Corporations (Amendment) Ordinance, 2001 on the 22nd day of May, 2001, provided that a Food Corporation could, for the purpose of carrying out its functions under the Act, take advances against stocks of foodgrains or other foodstuffs held by it, or borrow money from any scheduled bank, or any other bank or financial institution approved by the Central Government in this behalf, or any other authority, organization or institution or from the public on such terms and conditions as may be approved by the Central Government. It was also provided that the amount so borrowed by a Food Corporation would not at any time exceed ten times the paid-up capital and the reserve fund established under section 33 of the said Act.

3. The paid-up capital of the Food Corporation of India as on 16th April, 2001 was Rs. 2294.50 crores. The Food Corporation of India has not established any reserve fund under section 33 of the said Act. Therefore, the maximum cash credit the Food Corporation of India could avail of was Rs. 22,945 crores.

4. Since Parliament was not in session and the procurement levels were progressively on the increase rendering the existing cash credit limit of Food Corporation of India insufficient, it was considered necessary to remove the cap on borrowings by the Food Corporation provided under sub-section (1) of section 27 of the said Act. Consequently, the Food Corporations (Amendment) Ordinance, 2001 was promulgated by the President on the 22nd May, 2001 to achieve the said purpose.

5. This Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

SHANTA KUMAR.

*The 17th July, 2001.*

**BILL No. 60 OF 2001**

*A Bill further to amend the Live-stock Importation Act, 1898.*

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Live-stock Importation (Amendment) Act, 2001.  
Short title and  
commencement.

(2) It shall be deemed to have come into force on the 5th day of July, 2001.

2. In the preamble of the Live-stock Importation Act, 1898 (hereinafter referred to as the principal Act), after the word "live-stock", the words "and live-stock products" shall be inserted.  
Amendment  
of preamble

3. In section 2 of the principal Act, after clause (c), the following clause shall be inserted, namely:—  
Amendment  
of section 2.

'(d) "live-stock products" include meat and meat products of all kinds including fresh, chilled and frozen meat, tissue, organs of poultry, pig, sheep, goat; egg and egg powder, milk and milk products; bovine, ovine and caprine, embryos, ova, semen; pet food products of animal origin and any other animal product which may be specified by the Central Government by notification in the Official Gazette.'

Amendment  
of section 3.

**4. In section 3 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—**

"(2) A notification issued under sub-section (1) or under section 3A shall operate as if it has been issued under section 11 of the Customs Act, 1962 and the officers of the customs at every port, airport, Inland Container Depot and Land Customs Station shall have the same powers in respect of any live-stock or live-stock product or thing with regard to the importation of which such a notification has been issued and the vessel, aircraft, vehicle and other mode of conveyance containing the same, as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the law relating to customs and the vessel, aircraft, vehicle and other mode of conveyance containing the same; and the enactments for the time being in force relating to customs or any such article or vessel, aircraft, vehicle and other mode of conveyance shall apply accordingly.”.

52 of 1962.

Insertion of  
new section  
3A.

**5. After section 3 of the principal Act, the following section shall be inserted, namely:—**

"3A. The Central Government may, by notification in the Official Gazette, regulate, restrict or prohibit in such manner and to such extent as it may think fit, the import into the territories to which this Act extends, of any live-stock product, which may be liable to affect human or animal health.”.

Power to  
regulate  
Importation  
of live-stock  
products.

Repeal and  
saving.

**6. (1) The Live-stock Importation (Amendment) Ordinance, 2001 is hereby repealed.**

Ord. 5 of 2001.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

### STATEMENT OF OBJECTS AND REASONS

In accordance with our commitments under the WTO regime, the quantitative restrictions which were being maintained on account of balance of payments considerations on the import of a number of items, have been removed in a phased manner since 1995. The list of items on which the quantitative restrictions were removed in this manner included several animal products such as meat and meat products, milk and milk products and fish and fish products. With the removal of quantitative restrictions on these items, imports have been freely permitted. As the import of animal products and animal related products are capable of bringing in a variety of diseases which are not prevalent in our country, an emergent need was felt to evolve a suitable mechanism for regulating imports and monitoring sanitary and food safety aspects of these products in accordance with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, so as to ensure that they did not bring in diseases into the country which could adversely affect animal and human health.

2. The Live-stock Importation Act, 1898 regulates the importation of live animals and does not extend to either animal products such as milk and milk products, meat and meat products or germplasm and genetic material, such as semen, ova, embryos, etc. Thus, with the removal of quantitative restrictions, there was no legislation or mechanism by which the Central Government could regulate the imports of these products in such a manner that the imports of these products did not adversely affect the safety and health of the human and animal population of this country.

3. With a view to taking immediate action to protect the health of the human and animal population of the country an Ordinance, namely, the Live-stock Importation (Amendment) Ordinance, 2001 was promulgated on 5th July, 2001 to make provision for empowering the Central Government to regulate, restrict or prohibit the import into India of animal products. This would enable the Government to protect the human and animal health through adoption of food safety regulatory measures based on import risk analyses, which would precede the issue of sanitary import permits for the specific products. This will prevent the ingress of diseases which could adversely affect the health and safety of human and animal population of this country and diseases such as Bovine Spongiform Encephalopathy (BSE), also known as Mad Cow Disease, which is not prevalent in this country at present but has created havoc with the economies of several European countries.

4. As Parliament was not in session, and since there was urgency, the Live-stock Importation (Amendment) Ordinance, 2001 was promulgated by the President on 5th July, 2001 to achieve the aforesaid purposes.

5. The Bill seeks to replace the Live-stock Importation (Amendment) Ordinance, 2001.

NEW DELHI,  
*The 25th July, 2001.*

AJIT SINGH.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 3 of the Bill empowers the Central Government to specify by notification in the Official Gazette, animal products which are live-stock products under the Act.

2. Clause 5 of the Bill empowers the Central Government to make rules to regulate, restrict or prohibit the import of any live-stock product which may affect human or animal health.

3. The matters in respect of which notification may be issued and rules may be made, are generally matters of details and administrative procedure. The delegation of legislative powers is, therefore, normal in character.

---

G.C. MALHOTRA,  
*Secretary-General.*